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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAMSEY, KENNETH J

ART UNIT PAPER NUMBER

2879

DATE MAILED: 09 25 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,549

Applicant(s)

SULCS ET AL

Examiner

Kenneth J. Ramsey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Section 112 Rejection(s)

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8 and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the suggestion of claim 10 that the mold cavity could be deemed to be positioned "bottom side up", which is an apparent contradiction, there is no clear antecedent basis for the terms "bottom side", "top" and "bottom" of the mold cavity in each of these claims. The examiner suggests that applicant specify in claim 10 that the lamp body has distinct top and bottom sides and that the top of the mold is formed in the shape of the bottom side of the lamp.

Prior Art Rejections

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6 and 14-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ahlgren et al 4,891,555 figures 1(e)- 1(h) and the corresponding description.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlgren et al in view of Sulcs et al 5,539,273. It would have been obvious for one of ordinary skill in the art to make the mold cavity of Ahlgren et al asymmetrical about the center of the tube on a horizontal cross section since asymmetrical lamps are well known as shown by Sulcs et al.

7. Claims 8-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalczyk et al 5,525,863 in view of Ahlgren et al. Ahlgren et al fails to disclose a step of forming pinch (press) seals or that the mold cavity is position bottom side up or with the top of the mold being flattened or with the mold being horizontally split.

However, it would have been obvious for one of ordinary skill in the art to gather the quartz in the mold as taught by Ahlgren et al figures 1(f) – 1(g) to provide material for forming the lamp of Kowalczyk et al. As to claim 8 to position the mold bottom side up would have been obvious since to provide exhaust tubulation in the bottom half of the mold to keep the lines out of harms way would have been obvious. Another reason to position the mold with the bootom side up would be to hold the mercury pellet in a central position as shown by figure s 1(j)- 1(p) of Ahlgren et al. If the bottom of the mold cavity is flattened, there would be no tendency of the lamp fill to reside away from the heat source as the tabulations were sealed. Thus the top of the mold would have been

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flattened to form the lamp with the flat bottom as taught by Kowalczyk et al, column 7, lines 30-40. Finally, the steps of forming the lamp by making pinch seals as recited in claim 17 is well known as shown by Kowalczyk et al.

Citation of Pertinent Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gungle et al is cited to show an arched lamp.

Directions for Responses

Any formal response to this communication should be directed to examiner Kenneth Ramsey, Art Unit 2879, and either faxed to: 703-872-9318; or mailed to: Assistant Commissioner For Patents Washington, D.C. 20231

Technical inquiries concerning this communication should be directed to Kenneth J. Ramsey, (703) 308-2324 (voice), (703) 746-4832 (fax).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Kenneth J. Ramsey
Primary Examiner
Art Unit 2879

kjr
September 23, 2002

